



# Senate

General Assembly

**File No. 861**

January Session, 2015

Substitute Senate Bill No. 186

*Senate, May 19, 2015*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE OR ALL-TERRAIN VEHICLE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (10) of subsection (c) of section 7-148 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2015*):

4 (10) (A) Make all lawful regulations and ordinances in furtherance  
5 of any general powers as enumerated in this section, and prescribe  
6 penalties for the violation of the same not to exceed two hundred fifty  
7 dollars, unless otherwise specifically provided by the general statutes.  
8 Such regulations and ordinances may be enforced by citations issued  
9 by designated municipal officers or employees, provided the  
10 regulations and ordinances have been designated specifically by the  
11 municipality for enforcement by citation in the same manner in which  
12 they were adopted and the designated municipal officers or employees  
13 issue a written warning providing notice of the specific violation

14 before issuing the citation, except that no such written warning shall  
15 be required for violations of a municipal ordinance regulating the  
16 operation or use of a dirt bike or all-terrain vehicle;

17 (B) Adopt a code of ethical conduct;

18 (C) Establish and maintain free legal aid bureaus;

19 (D) Perform data processing and related administrative computer  
20 services for a fee for another municipality;

21 (E) Adopt the model ordinance concerning a municipal freedom of  
22 information advisory board created under subsection (f) of section 1-  
23 205 and establish a municipal freedom of information advisory board  
24 as provided by said ordinance and said section;

25 (F) Protect the historic or architectural character of properties or  
26 districts that are listed on, or under consideration for listing on, the  
27 National Register of Historic Places, 16a USC 470, or the state register  
28 of historic places, as defined in section 10-410.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	7-148(c)(10)

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

**Explanation**

The bill allows municipalities to fine, without providing a written warning first, violators of ordinances relating to dirt bike or all-terrain vehicles (ATVs).

Municipalities that have such ordinances may experience a revenue gain to the extent that they impose more fines as a result of the bill. Any revenue gain is expected to be minimal.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to fines levied for violating a municipal ordinance relating to dirt bikes or ATVs.

**OLR Bill Analysis****sSB 186*****AN ACT CONCERNING THE PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE OR ALL-TERRAIN VEHICLE.*****SUMMARY:**

This bill subjects a first-time violator of a dirt bike or all-terrain vehicle (ATV) ordinance to a possible fine. It does so by allowing municipal officers or employees to issue citations without providing warning of a dirt bike or ATV violation. Currently, as required for other ordinances enforced by citations, a municipal officer or employee must issue a written warning providing notice of a violation before issuing a citation.

EFFECTIVE DATE: October 1, 2015

**BACKGROUND*****Dirt Bike and ATV Ordinances***

By law, municipalities may adopt ordinances on the operation and use of (1) dirt bikes on public property, including hours of use, and (2) ATVs, including hours and zones of use. An ordinance may set fines of up to:

1. \$1,000 for a first violation,
2. \$1,500 for a second violation, and
3. \$2,000 for subsequent violations (CGS §§ 14-390 and -390m).

***Legislative History***

The Senate referred the bill (File 485) to the Judiciary Committee, which reported a substitute, adding a provision requiring the Department of Energy and Environmental Protection to implement the

proposals in its 2002 publication "All-Terrain Vehicle Policy and Procedures." The Senate then referred the bill (File 757) to the Environment Committee, which removed the same provision.

**COMMITTEE ACTION**

## Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/20/2015)

## Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/20/2015)

## Environment Committee

Joint Favorable Substitute

Yea 26 Nay 0 (05/07/2015)